

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 43 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 35-46-1-4, AS AMENDED BY HEA 1381-2007,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2007]: Sec. 4. (a) A person having the care of a dependent,
- 5 whether assumed voluntarily or because of a legal obligation, who
- 6 knowingly or intentionally:
- 7 (1) places the dependent in a situation that endangers the
- 8 dependent's life or health;
- 9 (2) abandons or cruelly confines the dependent;
- 10 (3) deprives the dependent of necessary support; or
- 11 (4) deprives the dependent of education as required by law;
- 12 commits neglect of a dependent, a Class D felony.
- 13 (b) However, the offense is:
- 14 (1) a Class C felony if it is committed under subsection (a)(1),
- 15 (a)(2), or (a)(3) and:
- 16 (A) results in bodily injury; or
- 17 (B) is:
- 18 (i) committed in a location where a person is violating
- 19 IC 35-48-4-1 (delivery, financing, or manufacture of
- 20 cocaine, methamphetamine, or a narcotic drug); or
- 21 (ii) the result of a violation of IC 35-48-4-1 (delivery,
- 22 financing, or manufacture of cocaine, methamphetamine, or
- 23 a narcotic drug);

(2) a Class B felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;

(3) a Class A felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of age and results in the death of a dependent who is less than fourteen (14) years of age; and

(4) a Class C felony if it is committed under subsection (a)(2) and consists of cruel confinement or abandonment that:

(A) deprives a **child dependent** of necessary food, water, or sanitary facilities;

(B) consists of confinement in an area not intended for human habitation; or

(C) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain ~~the child~~: a **dependent**.

(c) It is a defense to a prosecution based on an alleged act under this section that:

(1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age with an emergency medical provider who took custody of the child under IC 31-34-2.5 when:

(A) the prosecution is based solely on the alleged act of leaving the child with the emergency medical services provider; and

(B) the alleged act did not result in bodily injury or serious bodily injury to the child; or

(2) the accused person, in the legitimate practice of the accused person's religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to the accused person's dependent.

(d) Except for property transferred or received:

(1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5 or IC 31-6-5 before their repeal); or

(2) under IC 35-46-1-9(b);

a person who transfers or receives any property in consideration for the

1 termination of the care, custody, or control of a person's dependent
2 child commits child selling, a Class D felony."

3 Delete page 2.

(Reference is to ESB 43 as printed March 16, 2007.)

Representative Lawson L

MO004302

Adopted

Rejected

COMMITTEE REPORT

MR. SPEAKER:

Your Committee of One, to which was referred Engrossed Senate Bill 43, begs leave to report that said bill has been amended as directed.

Representative Lawson L